

## **Appendix 1**

### **Twenty-Four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the Commonwealth of Kentucky's Fourth Judicial Circuit Hopkins County, Kentucky**

Pursuant to *KRS 403.735*, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

#### **I. Uniform Protocol for Processing Cases**

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence cases are civil matters within the purview of CR 41.01. Therefore, this jurisdiction does not have a "no-drop" policy.
- D. Upon the filing of a domestic violence petition in the 4<sup>th</sup> Judicial Circuit, the domestic violence case shall proceed to its conclusion even where it is subsequently determined that a dissolution/child custody proceeding has been initiated or is pending in any other Judicial Circuit, unless otherwise determined by the Court to be inappropriate.

#### **II. Twenty-four Hour Accessibility**

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

The Hopkins Circuit Court Clerk's Office

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

Any local city or county law enforcement officer in Hopkins County  
All Kentucky State Police Officers officially on duty in Hopkins County

- C. Upon receipt of a petition **during** regular business hours, the clerk shall docket the matter in the Family Court Domestic Violence session and deliver the appropriate documents to the Family Court Judge for consideration. If the Family Court Judge is unavailable, the clerk may seek the consideration of a Circuit or District Judge; however, the matter shall remain on the Family Court docket for further process.
- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to any judge scheduled as on-call for consideration of the issuance of an Emergency Protective Order.
- E. Petitions will be reviewed within an hour of presentation to a judge unless it is impossible due to the unavailability of a judge.
- F. The schedule for domestic violence hearings is as follows:


The first and third Mondays of each month at 9:00 a.m. and at such other times as deemed necessary by the Court.

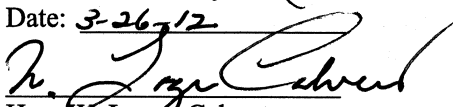
### III. Contempt Proceedings


- A. Pursuant to *KRS 403.760*, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Petitioners seeking to initiate contempt proceedings should:  
  
File a motion with the Hopkins Circuit Court Clerk's Office to hold the Respondent in contempt for an alleged violation. A hearing date shall be scheduled and all parties shall be summoned to appear for said hearing. The Family Court shall make a determination of whether there is a violation of any of the provisions of the Protective Order.
- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.


All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all district and circuit judges in this circuit:

  
Hon. Susan Wesley McClure  
Date: 3-26-12

  
Hon. W. Logan Calvert  
Date: 3/26/12

  
Hon. James Brantley  
Date: March 26, 2012

  
Hon. William R. Whitledge  
Date: March 28, 2012